

**THE HONOURABLE SRI JUSTICE
V.ESWARAIAH**

W.P. No. 2588 of 2005

Date:28-09-2007

Between:

A.Narsimha Reddy

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Petitioner

AND

The District Collector, Anantapur and two others

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Respondents

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in not paying compensation for an extent of Ac.0.40 cents and in proposing to lay a road in another extent of Ac.0.45 cents in Sy.No.498-1 to 498-5 and 306-1 and 2 of Thippepally revenue village, O.D.Chervu mandal, Anantapur District without acquiring the same under the provisions of Land Acquisition Act, as illegal and arbitrary and consequently direct the respondents not to dispossess the petitioner without following the due process of law.

The case of the petitioner is that he is the owner of an extent of Ac.07.05 cents in Sy.Nos.498-1 to 498-5 and an extent of Ac.4.84 cents in Sy.No.306-1 and 306-2 of Thippepalli revenue village, O.D.Chervu mandal, Anantapur District and out of the said land, an extent of Ac.0.40 cents is being utilized by the respondents for the purpose of laying a road from Thippepalli village to Jarikuntlapalli village without acquiring and without paying any compensation.

A counter has been filed by the respondents stating that on the representation of the local public during the Grama Sabha programme for formation of pucca road and to avoid inconvenience to the public, it was proposed to lay a road with an estimate of Rs.17,000/- and the petitioner is the pattedar of Sy.No.498/4 of Thippepalli village. It is stated that the Mandal Parishad Development Officer, O.D.Chervu and the Mandal Engineering Officer have never requisitioned the said land and therefore, no land acquisition proceedings have been initiated and no road was formed. It is stated that there is no need to acquire the land of the petitioner.

In view of the aforesaid counter filed by the respondents that the land of an extent of Ac.40 cents has not at all taken away for the purpose of laying the road, no orders are required to be passed in the matter.

Accordingly, the writ petition is closed. No costs.

V.ESWARAIAH, J.

Date:28.09.2007
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